

PATENT  
455610-2420

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : Martin Thomas MILLER et al.  
Serial No. : 09/988,416  
Filed : November 16, 2001  
For : PROCESSING WEB FOR DATA PROCESSING IN A DIGITAL  
OSCILLOSCOPE OR SIMILAR INSTRUMENT  
Examiner : Jeffrey R. West  
Art Unit : 2857  
Confirmation : 8540

745 Fifth Avenue  
New York, NY 10151

**EXPRESS MAIL**

Mailing Label Number: EM 157218626 US

Date of Deposit: February 11, 2008

I hereby certify that this paper or fee is being deposited with the  
United States Postal Service "Express Mail Post Office to  
Addressee" Service under 37 CFR 1.10 on the date indicated above  
and is addressed to: **Mail Stop RCE, Commissioner for Patents,**  
**P.O. Box 1450, Alexandria, VA 22313-1450.**

*Barnet Shindman*  
(Typed or printed name of person mailing paper or fee)

*Barnet Shindman*  
(Signature of person mailing paper or fee)

**COMMUNICATION ACCOMPANYING RCE**

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This paper accompanies the Request for Continued Examination (RCE) following the  
Advisory Action dated January 15, 2008 which denied entry of Applicants' Amendment filed  
December 13, 2007 under 37 CFR 1.116.

00521141.DOC

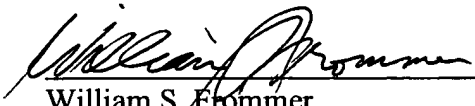
The Advisory Action purportedly responds to Applicants' argument set out in the Amendment filed December 13, 2007, that the National Instruments Quick Reference Guide does not describe graphical elements that can be selected and interconnected by a user, by stating that whatever programming is described in The Quick Reference Guide and in the National Instruments NI 5911 User Manual is carried out as part of a LabVIEW Virtual instrument, and that LabVIEW uses a graphical programming language. However, this response fails to address Applicants' argument in the paragraph bridging pages 9 and 10 of the December 13, 2007 Amendment. Furthermore, if the LabVIEW Virtual instrument, LabVIEW programming language or LabVIEW details are relied upon by the Examiner, LabVIEW information sufficient to analyze and determine its sufficiency has not been made of record.

It also is noted that the Advisory Action does not address, nor is it relevant to, the amendments made to the independent claims. It is anticipated that such amendments will be considered in further prosecution of this application.

Also accompanying the RCE is an Information Disclosure Statement (IDS) which brings to the Examiner's attention those documents cited in copending application 09/988,420 as well as that copending application itself.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP  
Attorneys for Applicants

By:   
William S. Frommer  
Reg. No. 25,506  
(212) 588-0800